

## THE BUILDING REPAIRS (SCOTLAND) BILL CONSULTATION MORAY COUNCIL

### RESPONSE TO CONSULTATION QUESTIONS

**1     *What do you believe are the current problems with the enforcement of dangerous and defective buildings legislation?***

There are two main issues regarding dangerous buildings. The time and cost involved to the Authority when in many instances there is little chance of recovering cost and instances where the owner of the building is not known and/or cannot be traced. There is a particular difficulty with shared ownership buildings. Both with identifying all stakeholders and with getting them all in agreement. We are very reluctant to serve Notices for defective buildings in this same respect.

**2     *In your opinion, what changes should be made to current legislation to allow for a more effective system of identification and enforcement?***

Charging Orders are an effective way of recovering costs for a small initial administration outlay. The legislation should therefore be amended to include Charging Orders.

**3     *What do you see as the benefits of charging orders in enabling local authorities to recover costs from owners of dangerous and defective buildings?***

This would allow Authorities to be more proactive knowing that there is a much greater chance of recovering costs and would lead to a much safer built environment. They would also serve as a useful tool as a deterrent/threat to owners that failure to maintain properties would ultimately result in an enforceable cost to them.

**4     *What do you see as the disadvantages of charging orders?***

The disadvantage is that costs are only recoverable when the building is sold. That could be a considerable length of time, if ever.

**5     *What do you see as the benefits of charging orders to owners of dangerous and defective buildings?***

If owners did not have the finances to cover repair costs then they could accept that the Authority will be reimbursed when the building is sold in the future.

**6     *What do you see as the disadvantages of charging orders to owners of dangerous and defective buildings?***

There would be a greater chance that Authorities would be more proactive and therefore a greater chance that enforcement action would be taken.

**7 What would be the benefits or disadvantages of changing the notice period in relation to defective building notices?**

There are no perceived disadvantages with increasing the notice period. The benefit is that the owner will have more time to arrange for repairs to be carried out.

**8 Do you think this would allow adequate time for owners to carry out repairs to their properties and please give a reason for your response?**

This will depend on the extent of the repair, the owner's ability to fund the repair and the availability of a suitable contractor.

**9 What do you see as the advantages or disadvantages of the proposal?**

Local authorities will be able to act in a much more proactive role with the confidence that any costs incurred are likely to be recoverable. This will also result in a safer built environment and increase the lifespan of many buildings. There are no real disadvantages over the current system.

**10 What do you see as the advantages and disadvantages of an automatic equal shares provision for local authorities in cost recovery for work carried out by them on dangerous and defective buildings?**

This would be a huge advantage. It is always very difficult and time consuming to identify all stakeholders in multi-ownership buildings. Even if traced, there are often further difficulties in getting all parties to agree.

**11 What do you see as the advantages and disadvantages of a certification and inspection regime for buildings?**

The clear advantage is that it should force owners to maintain their properties and therefore identify any defects at an early stage. However, legislating for this could be difficult and a further burden could be placed on local authorities. Whilst this is a good idea in theory I am not so sure that it would work in practice.

**12 Do you have any comments on the financial implications of the proposals?**

Any proposal that helps local authorities to be more proactive and recover costs will be welcomed.

**13 Do you have any comments on enforcement of the proposals?**

There should not really be any issues for local authorities in the enforcement of the proposals.

**14 Are there any equality issues that arise from these proposals?**

There does not appear to be any equality issues with these proposals.